

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEPHANIE KATHERINE DELGADO,  
f/k/a STEPHANIE PAGE ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 2:15-cv-00454 MJP JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (Dkt. 16).

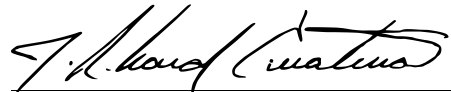
After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner.

Based on the stipulation of the parties, this Court recommends that the District Judge ORDER that the Commissioner's decision in regard to plaintiff's application for supplemental security income payments under Title XVI of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings before an Administrative Law Judge, a *de novo* hearing, and a new decision. On remand, the ALJ shall call a vocational expert in order to identify at step five whether or not there are a significant number of jobs existing in the national economy that claimant can perform. Because this is an SSI case and significant time has elapsed since the ALJ's decision, the record shall be updated and the claimant afforded a *de novo* hearing on her claim. The ALJ shall reconsider the sequential evaluation process in light of the expanded record.

This Court hereby recommends that the District Judge reverse the Commissioner's decision pursuant to sentence four of 42 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The parties stipulate that plaintiff shall be entitled to reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), following proper request to the Court.

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 24th day of August, 2015.



J. Richard Creatura  
United States Magistrate Judge